



## ***Land Use and Zoning Meeting Minutes***

*April 23, 2015*

STAFF:	David Radachy
DATE:	April 24, 2015

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 p.m.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Falcone, Morse, Terriaco, Valentic and Welch. Staff: David Radachy.

Mr. Radachy stated that there are two cases this evening, one district change amendment and one text amendment.

### **Concord Township – District Amendment, 112.45 acres, RD-2, Research and Development 2, BX, Business Interchange and GB, Gateway Business to C, Capitol District.**

Staff stated the case involves 112.45 Acres of land that is currently zoned RD-2, GB, and BX to become C, Capitol District. The land is located on where the new connector road, Capitol Extension, is going to be built across SR 44. The district amendment involves land that is located on Auburn Road, Capitol Blvd. and Crile Road. This is the second part of the Capitol District creation. The text amendment creating the district was done in 2014.

Staff stated that there are three ways to amend the zoning map. The two most common are application by the property owner or motion of the zoning commission. The third way, trustee resolution, has never happened while staff has been reviewing LUZ cases until now. This district amendment was requested by the Concord Board of Trustees.

Staff stated that the land is being used as multi-tenant Industrial/commercial units, offices, single family detached homes or it was vacant. Adjacent land uses include the same uses as the land being rezoned and utility storage yard, golf course and continuing care facility that is under construction.

Staff stated that the 2004 Concord Comprehensive Plan recommended maintaining the 8%/92% split between commercial and residential tax bases. Staff stated that despite the fact that the Capitol District allows for housing as a conditional use, the housing is not the dominate land use because it is capped at 30% of the site. This district is considered to be a non-residential district. Staff went on to state that the 2006 Auburn-Crile Road promoted a pedestrian oriented environment for this area and had designs showing similar layouts as to what is happening with Capitol Road extension and the new district that was created in 2014.

Staff recommended that the district amendment be made.

Mr. Morse made the motion to recommend the district amendment.  
Mr. Terriaco seconded the motion.

All voted "Aye".  
Motion passed.

### **Painesville Township – Text Amendment, change in how setbacks are administered.**

The second case was submitted by Painesville Township. The request is a text change that would have the setback determined from the foundation instead of the closest point of the building which could be a roof overhang, bay window, or fireplace to name a few. This text amendment was proposed by Little Mountain Homes. There are five co-applicants, Barr Brothers, Pro-Built Homes, B.R. Knez, Barrington Homes and William R. Dawson and Son. This amendment will effect fourteen sections of the Painesville Township Zoning Resolution, sections 14-27, 32 and 33.

Staff stated Painesville Township has the smallest lot sizes and smallest sideline clearances of the five townships. They require 10 feet between building and property line, which is 20 feet between buildings. Concord Township and Perry Township require 15 feet, 30 between buildings. Madison Township requires a total of 25 for both sides of the building in R-2, but a side can be as little as 10 feet. The distance between buildings would be 20 to 30 feet depending on the layout of the homes. The other districts start at 15 feet and go up from there. Leroy Township is the largest with a 20 foot sideline clearance, 40 feet between buildings.

Staff also stated that Painesville Township has a large amount of non-conforming lots. The number of non-conforming lots has led to the Zoning Resolution providing for relief from the setbacks by reducing the setback for the non-conforming lots in order for them to be buildable without getting a variance. The sideline setback on these lots can be 7 feet.

If the language is accepted as written, the distance between buildings in Painesville Township would be reduced to 16 feet for standard lots, and 10 feet for the non-conforming lots.

Staff stated that Concord Township requires a sideyard setback of the building but allows for projections into the sideyard. Here is their language: "Projections into Required Yards: Appurtenances, such as skylights, sills, belt courses, cornices, and ornamental features attached to the principal building may project not more than 24 inches into a required yard. The ordinary projections of chimneys, flues or bay windows are also permitted in the required side, rear and front yards. Wing walls attached to and made part of the principal building shall conform to the minimum clearance requirements for principal buildings, as outlined in this Section.

Staff recommends not accepting language as submitted. Staff recommends that the Zoning Commission work with the builders to develop language similar to Concord Township's projection exemption to allow a limited amount, for example a percentage of the length of wall, of bay windows, chimneys, etc. into the sideyard. I would not allow roof overhangs or cantilevers

The Committee discussion centered around agreeing with staff. There was concern that the buildings would be too close.

Mr. Terriaco made the motion to recommend the staff recommendation.

Mr. Welch seconded the motion.

All voted "Aye".

Motion passed.

There was no other business. There was no public comment.

The meeting adjourned at 6:55 PM.